REMARKS

Claims 1 - 3 have been amended.

Claims 7 – 12 have been added.

Claims 1 - 12 are present in the subject application.

In the Office Action dated November 30, 2003, the Examiner has rejected claims 1 - 6 under 35 U.S.C. §103(a). Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

The Examiner has rejected claims 1 - 6 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,758 (Ellard). Briefly, the Ellard patent discloses a system and method for indexing a data record from an information source into a database containing a plurality of data records. This system includes receiving a data record from an information source having a predetermined number of fields containing information about a particular entity and standardizing and validating the data in the received data record. A system and method for retrieving records that refer to an entity characterized by a specific set of data values is also disclosed. This system compares a predetermined number of fields within a received data record with a predetermined number fields within data records already in the database, selects data records already in the database as candidates having data within some of the predetermined fields that is identical to the data in the fields within a received data record and scoring the candidates to determine data records having information about the same entity.

In contrast, the present invention is directed toward a web-based system for adding content to a content object stored in a data repository as a group of hierarchically related content entities. Each non-container content object is preferably stored as a separate entity in the data repository. As the user selects desired objects for inclusion in the content object, the system

arranges the objects hierarchically. The system then creates a file object defining the content object that contains an outline of the container and non-container entity selected, their identifiers, order and structure. An aspect of the invention is to provide permission checking to prevent certain content entities from appearing in the same compilation as other content entities. Permission checking includes associating each container and non-container with any mutually exclusive containers or non-containers. For example, such association may be achieved by defining a set of rules specifying containers and/or content entities that are mutually exclusive. Upon selection of a container or non-container to add to the compilation, the permission checking procedure determines if the container or non-container is mutually exclusive of any other containers or content objects. If so, the permission checking procedure then analyzes the compilation to determine whether any of the other mutually exclusive containers or non-containers already exists in the compilation. If so, then the selected container or non-container is not added to the compilation. Otherwise, the content is added.

The Examiner takes the position that the Ellard patent teaches the claimed limitations except for the feature of determining if any of the identified other content entities exists in the compilation of content, and if not, adding the content entity to the compilation, and if so, not adding the content entity to the compilation. The Examiner further alleges that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Ellard system to include this feature in order to eliminate storing duplicate data in the database and save memory space.

This rejection is respectfully traversed. However, in order to expedite prosecution of the subject application, independent claims 1 - 3 have been amended to further clarify the mutual exclusivity of the content entities by reciting the features of the reference information identifying

content ineligible for placement within the same compilation. The Ellard patent does not disclose, teach or suggest these features. Rather, the Ellard patent discloses a master entity index system that indexes data records within one or more information sources and determines which data records within the one or more sources may contain information about the same entity, preferably participants in a healthcare system (See Column 2, lines 40 – 44 and Column 4, lines 24 - 27). As data records from information sources are fed into the system, the system attempts to match incoming data about an entity to a data record already in the database. If the incoming record matches an existing record, a link between the incoming record and matching record may be generated. If an incoming record does not match any existing records, a new entity identifier may be generated. In each case, the record may be stored in the system (See Column 5, lines 48 – 59).

When adding a new record into the index, the system validates and standardizes the incoming record (See Column 11, lines 14 – 39) and subsequently determines if a data record with the same record identifier as the incoming record exists in the database. If the record exists, an exception is created; otherwise the record is added to the system (See Column 11, lines 40 – 49). However, the record identifier, construed by the Examiner as the reference information, merely uniquely identifies records from the same information source (See Column 9, lines 45 – 50) and does not identify content ineligible for placement in the same compilation as recited in the claims. In fact, since the record identifiers are unique with respect to a particular information source, different records within the system (each from a different source) may include the same record identifier (See Column 9, lines 50 – 53). Thus, the record identifier does not distinctly identify records in the system or, for that matter, identify ineligible content as recited in the claims.

In addition, the Ellard patent discloses creating an exception in response to the incoming record being matched/linked to any other records from the same information source, thereby indicating a duplicate record (See Column 11, lines 57 – 63). There is no disclosure of the particular action taken for the exception created for this situation or for duplicate record identifiers described above. However, the Ellard patent discloses deleting duplicate records as an exemplary exception handling rule (See Column 7, lines 63 – 66). Even assuming that the Ellard patent discloses deletion of an incoming duplicate record, the record identifier (construed by the Examiner as the reference information) does not identify content ineligible for placement in the same compilation as recited in the claims. In particular, a corresponding record in the database would contain the same data as an incoming record identified as a duplicate. Accordingly, the data of the duplicate record is already in the system by virtue of the corresponding database record and, therefore, the data of the duplicate record cannot be ineligible for placement in the same compilation as the corresponding database record and is not prevented from being added to that compilation as recited in the claims.

Although the Ellard patent discloses a rules database (See Column 7, lines 37 – 39), these rules apply to establishment or prevention of links between data records and are not concerned with preventing addition of mutually exclusive records (construed by the Examiner as content entities) to the index (construed by the Examiner as the compilation) as recited in the claims. Since the Ellard patent does not disclose, teach or suggest the features recited in independent claims 1, 2 and 3 as discussed above, these claims are considered to be in condition for allowance.

Claims 4 - 12 depend from independent claims 1, 2 or 3, and, therefore, include all of the limitations of their parent claims. These dependent claims are considered to be in condition for
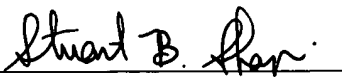
allowance for substantially the same reasons discussed above in relation to their parent claims and for further limitations recited in these claims. For example, new claims 7, 9 and 11 recite the features of the reference information defining relationships between the content entities stored in the data repository to identify the content ineligible for placement within the same compilation. As discussed above, the record identifier, construed by the Examiner as the reference information, merely uniquely identifies records from the same information source (See Column 9, lines 45 – 50) and does not define relationships between content entities stored in a data repository as recited in the claims. Since the Ellard patent does not disclose, teach or suggest the features recited within dependent claims 4 – 12 as discussed above, these claims are considered to be in condition for allowance.

In addition to the foregoing, the proposed modification of the Ellard patent does not render the claimed invention obvious. Initially, the Ellard patent is directed toward a master entity index system that indexes data records within one or more information sources and determines which data records within the one or more sources may contain information about the same entity as described above. In contrast, the present invention is directed to a web-based system that prevents mutually exclusive content entities from being included in the same compilation. There is no information specifying mutual exclusivity of a particular record with different records for inclusion in the system, nor is there any reason for one of ordinary skill in the art to modify the Ellard system to do so other than prohibited hindsight derived from Applicants' own disclosure. In fact, if the Ellard system were to exclude records with different information, the system would be discarding valuable information within those records relating to an entity, thereby resulting in an incomplete information base. Accordingly, the proposed modification of the Ellard patent does not render the claimed invention obvious.

The application, having been shown to overcome the issues raised in the Office Action, is

considered to be in condition for allowance and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

Stuart B. Shapiro
Registration No. 40,169

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Blvd., Suite 400
Rockville, Maryland 20850-3164
(301) 424-3640

Hand Delivered: ___12/23/03___